

70 AF



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

George Gao et al.

Serial No.: 10/686,290

Filed: October 15, 2003

For: INSULATION SYSTEM FOR OIL
FILLED ENVIRONMENTS

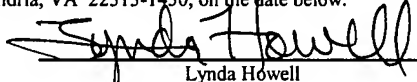
§
§
§
§
§
§
§
§

Group Art Unit: 2832

Examiner: Nguyen, Tuyen T.

Atty. Docket: 131026-1/YOD
GERD:0613

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
July 30, 2007 Date	 Lynda Howell

Sir:

REPLY BRIEF

The Examiner's Answer mailed on June 28, 2007 has been fully considered, and Appellants would request that the Board further consider the points summarized below in making their decision.

Kurita entirely fails to support a rejection of an insulating structure including "alternating layers".

Throughout prosecution of the present application, Appellants have stressed that Kurita entirely fails to support a rejection of at least independent claim 33 which requires "alternating layers of polymeric and non-polymeric materials." At this late stage in prosecution, the Examiner has finally provided an integral translation of Kurita. The Examiner's summary of this rejection in the Answer could not be more succinct or erroneous. Indeed, in the Examiner's characterization of the reference made in the Response to Arguments section of the Examiner's Answer, the Examiner has either completely mischaracterized the reference or deliberately misled the Board. The Examiner specifically

referred to two layers taught by Kurita, including a polypropylene film 6 and a kraft layer 7. The Examiner specifically referred to paragraph 15 of Kurita as teaching more than two layers, and hence alternating layers of film and kraft. In fact, the passage reads as follows:

[0015] Moreover, with the form of the above-mentioned implementation, although it was considered as the two-layer structure of the polypropylene film 6 and the kraft 7, reliability improves the kraft 7 further by being good also as more than two-layer, and making the polypropylene film 6 inexpensive one layer then and thin into a multilayer. Furthermore, [since the polypropylene film 6 has low oil resistance compared with the kraft 7, the mechanical strength after oil immersion worsens a little, but] Only the polypropylene film 6 can also be made into the lamination structure of lamination or the polypropylene film 6, other plastic films, etc., without using the kraft 7. Kurita translation, paragraph 15 (reproduced identically including grammatical errors found in the translation).

As best understood, this passage teaches that the polypropylene film layer itself could be made of multiple layers. Moreover, the passage also seems to indicate that the kraft layer itself could be disposed of. At the very least, the passage does not teach that the structure could or should be made of multiple layers of propylene film alternating with layers of kraft. Accordingly, Appellants would request that the Board reject the Examiner's interpretation of the teachings of Kurita, and reverse the rejection of claim 33 accordingly.

In passing, Appellants strongly object to the Examiner first providing the translation of Kurita to support the Examiner's own arguments in the Examiner's Answer. The very first opportunity the Appellants have been given to address the Kurita reference in its entirety is the present Reply Brief. Throughout prosecution the Appellants have requested this translation and in the Appeal Brief itself had objected to the Examiner's forcing the Board to consider these issues before reopening prosecution. Nevertheless, as the Appellants now have the full translation of Kurita and it does not support the Examiner's rejections, the Appellants would request that the Board simply reverse those rejections and indicate the allowability of at least claim 33.

Kurita even in hypothetical combination with Schroeder cannot support a *prima facie* case of obviousness of the independent claims.

The Examiner would have Schroeder, which does not teach an alternating structure at all, combined with Kurita which the Examiner says does teach an alternating structure. As noted above, even the full translation of Kurita supplied at this late date by the Examiner does not support the Examiner's position that Kurita teaches an insulating structure with alternating polymeric and non-polymeric layers. In the Response to Arguments section of the Examiner's Answer, the Examiner indicated that Appellants have simply misunderstood the grounds for rejection. The Examiner then summarized the rejection by observing that Schroeder discloses the claimed invention except for one layer of two alternating layers being non-polymeric. Appellants would first observe that this missing teaching from Schroeder is exactly the fundamental nature of the invention. That is, if Schroeder does not teach alternating polymeric and non-polymeric (*e.g.*, kraft) layers, then Schroeder does not teach the claimed invention.

Moreover, the Examiner would then combine Schroeder with the teachings of Kurita which the Examiner says "discloses an insulating system having one unit formed by two or more layers [6, 7], where in one layer is formed of kraft paper and the other formed of polypropylene material." Examiner's Answer, page 5-6. Here again, the Examiner's statement is patently incorrect and would simply mislead the Board. Kurita does not disclose an insulating system having "one unit" formed of two or more layers. The system of Kurita has two layers and only two layers. The fact that one of the layers could be made of multiple sub-layers of polymeric film is completely immaterial. The polypropylene and kraft layers, combined, do not form "one unit" as suggested by the Examiner. On the contrary, they form the entire insulating structure.

There would no reason whatsoever, given the teachings of Schroeder, to interpose a kraft paper between layers of polymeric film. Schroeder specifically teaches the use of paper as external layers only, and these are not repeating or repeatable units in Schroeder. Similarly, and as discussed above with respect to claim 33, Kurita does not disclose alternating layers or even structures including multiple layers of film and kraft. Treating

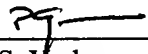
Kurita as "one unit" of a repeating or alternating multiple "unit" structure is simply not supported by either reference.

Accordingly, no combination of Schroeder and Kurita would suggest to one skilled in the art the claimed insulating structures having alternating layers of polymeric and non-polymeric materials.

For the foregoing reasons, Appellants strongly urge the Board to consider the Examiner's rejections and the teachings of the references carefully and instruct the Examiner to reverse the rejections and allow the pending claims.

Respectfully submitted,

Date: 7/30/2007



Patrick S. Yoder
Reg. No., 37,479
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545